

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION

Arthur Singleton, #300109,

Plaintiff,

vs.

Dr. Patel, Nurse Floyd and Warden Eagleton)

Defendants.)

C.A. No.: 9:07-04055-RBH

ORDER

This matter is before the court for review of the Report and Recommendation of United States Magistrate Judge Bristow Marchant, made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this court. See Mathews v. Weber, 423 U.S. 261, 270-71 (1976). The court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. See 28 U.S.C. § 636(b)(1).

The Report and Recommendation was filed on October 27, 2008 and mailed to the plaintiff on the same date. Objections to the Report were thus due on November 14, 2008. Plaintiff made a timely request for an extension of time to file objections, and the Court granted the plaintiff an extension of time until November 28, 2008. The Court received the objections on December 4,

2008. The envelope containing the objections bears the stamp of the prison mailroom indicating it was received by the mailroom on December 2, 2008. Therefore, the objections were not timely filed. In the absence of timely objections to the Report and Recommendation of the Magistrate Judge, this court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983). In addition, the Court has reviewed the objections and finds them to be without merit.

After a thorough review of the Report and Recommendation and the record in this case, the court adopts Magistrate Judge Marchant's Report and Recommendation and incorporates it herein. It is therefore

ORDERED that the defendants' motion for summary judgment [docket entry #30] is hereby **GRANTED**, and this case is **DISMISSED** with prejudice.

IT IS SO ORDERED.

s/ R. Bryan Harwell
R. Bryan Harwell
United States District Judge

Florence, South Carolina
December 9, 2008